

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

MASSACHUSETTS DEVELOPMENT)	
FINANCE AGENCY)	
Plaintiff,)	
)	
v.)	
)	
ADP MARSHALL, INC., a FLUOR)	
DANIEL COMPANY, and FIREMAN'S)	
FUND INSURANCE COMPANY)	
<u>Defendants.</u>)	
)	
ADP MARSHALL, INC.)	
Plaintiff in Counterclaim,)	
)	
v.)	
)	
MASSACHUSETTS DEVELOPMENT)	
FINANCE AGENCY)	
<u>Defendant in Counterclaim.</u>)	
)	
ADP Marshall, Inc.)	
Third Party Plaintiff,)	
)	
v.)	
)	
ALLIED CONSULTING ENGINEERING)	
SERVICES, INC., ANDOVER CONTROLS)	
CORPORATION, R & R WINDOW)	
CONTRACTORS, INC., AND DELTA)	
KEYSPAN, INC. N/K/A DELTA)	
KEYSPAN, LLC, MADDISON)	
ASSOCIATES, INC., UNITED STATES)	
FIDELITY AND GUARANTY COMPANY)	
FIDELITY AND DEPOSIT COMPANY)	
OF MARYLAND, NATIONAL GRANGE)	
MUTUAL INSURANCE COMPANY,)	
TRAVELERS CASUALTY AND SURETY)	
COMPANY OF AMERICA, AMERICAN)	
HOME ASSURANCE COMPANY,)	
HARTFORD ROOFING COMPANY, INC.,)	
and SPAGNOLO/GISNESS &)	
ASSOCIATES, INC.)	
<u>Third Party Defendants.</u>)	

C.A. No.: CV 10203 PBS

**JOINT MOTION TO CONTINUE HEARING ON MOTION FOR SUMMARY
JUDGMENT OF THE DEFENDANTS', ADP MARSHALL, INC., AND
FIREMAN'S FUND INSURANCE COMPANY AND THE PLAINTIFF,
MASSACHUSETTS DEVELOPMENT FINANCE AGENCY**

Now come the Plaintiff, Massachusetts Development Finance Agency (hereinafter "MDFA") and the Defendant, ADP Marshall, Inc., a Fluor Daniel Company (hereinafter "ADP") and the Defendant, Fireman's Fund Insurance Company (hereinafter "Fireman's Fund") and hereby move that this Honorable Court continue the Hearing on Motion for Summary Judgment scheduled for Wednesday, February 16, 2005 until May 2005.

In support of this motion, MDFA, ADP and Fireman's Fund state the following:

1. On November 30, 2004, ADP and Fireman's Fund filed its Motion for Summary Judgment and on January 14, 2005, Plaintiff, MDFA, filed its response.
2. The parties have participated in a mediation session and continue with settlement discussions.
3. The parties agree that in the interests of justice said hearing be continued to enable settlement discussions to continue.
4. Counsel for the parties intend to be present for a Pretrial Conference on February 16, 2005, as originally scheduled.
5. No party will be prejudiced by the allowance of this joint motion.

WHEREFORE, the Plaintiff, MDFA, and the Defendants, ADP and Fireman's Fund, request that this Honorable Court grant this Joint Motion to Continue the Hearing on Summary Judgment until May 2005.

Respectfully Submitted,
MASSACHUSETTS DEVELOPMENT
FINANCE AGENCY,
By its attorneys

//s// Sabatino F. Leo
EDWARD F. VENA, ESQ.
BBO No.: 508660
SABATINO F. LEO
BBO No. 6420302
VENA, RILEY, DEPTULA, LLP
250 Summer Street, 2nd Floor
Boston, MA 02210
(617) 951-2400

And:

ADP MARSHALL, INC., and
FIREMAN'S FUND INSURANCE COMPANY
By their attorneys,

//s// Andrew J. Tine,
ANDREW J. TINE, ESQ.
BBO No. 633639
Haese, LLC
70 Franklin Street, 9th Floor
Boston, MA 02110
(617) 428-0266

DATED: February 14, 2005

CERTIFICATE OF SERVICE

I, Sabatino F. Leo, Esquire, hereby certify that I have, on this ____th day of February, 2005, served a copy of the within by first-class mail, postage pre-paid upon all counsel of record.

Sabatino F. Leo